



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN
DIRECTOR

April 10, 1996
AO-96-13

Paul A. Simmons, Jr.
3476 Washington Street
Boston, MA 02130

Re: Ballot Question Committees Organized to Promote or Oppose
Questions on Municipal Ballot

Dear Mr. Simmons:

This letter is in response to your March 7, 1996 request for an advisory opinion regarding the organization of a ballot question committee to promote or oppose a question on a municipal ballot.

Question

You have asked if a committee organized to support or oppose a question which will appear on the 1996 City of Boston general election ballot, prepared by the state for use in the City of Boston, should file a Statement of Organization with this office, or alternatively, with the City of Boston Clerk. In particular, your question concerns a committee organized to support or oppose a question regarding the reorganization of the Boston School Committee, which would appear on the ballot to be used in the City of Boston pursuant to Section 8 of Chapter 108 of the Acts of 1991.

Answer

Such a committee should file a Statement of Organization, as well as campaign finance reports, with the Boston City Clerk.

Discussion

A political committee organized to favor or oppose a question submitted to the voters "shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election." See M.G.L. c. 55, s. 18 (emphasis added). A committee "organized for the purpose of a city or town election only," (emphasis added), must file a statement of organization with the city, town or district clerk or election commission. See M.G.L. c. 55, s. 5.

The terms "city election" and "state election" are defined in M.G.L. c. 50, s. 1. A "city election" is "any election held in a city at which a city officer is to be chosen by the

voters, whether for a full term or for the filling of a vacancy, or at which any question to be voted upon at a city election is to be submitted to the voters." A "state election" is "any election at which a national, state, or county officer or a regional district school committee member elected district-wide is to be chosen by the voters, whether for a full term or for the filling of a vacancy."

The terms "city election" and "state election," as defined in M.G.L. c. 50, s. 1, are not mutually exclusive. Political committees frequently organize to support or oppose questions on a city or town ballot used during a state election. Therefore, in the context of the campaign finance law, the phrase "city or town election" must be understood to refer to an election to fill municipal offices or an election at which the voters will decide a ballot question or questions affecting only a particular city or town, even if the election coincides with a state election.

Committees organized to promote or oppose a question submitted to the voters of only one city or town must file a municipal statement of organization (Form CPF M101BQ) with the municipal election official, generally the city or town clerk, not with OCPF. In addition, such committees must file campaign finance reports (Form CPF M102) with the local election official as follows: (1) on the day of organization; (2) on or before the sixtieth day prior to the election complete as of the preceding fifth day; (3) on or before the fifth day and the twentieth day of each month complete as of the preceding first and fifteenth day of the month, reporting all activity through the day in which the election is held; and (4) on or before the fifth day of each month after the election complete as of the preceding first day of the month, if liabilities exist. Such committees must also file a year-end report which is due by January 20 of each year, complete as of December 31 of the prior year, for every year the committee is in existence, and a dissolution report upon the dissolution of the committee.

The ballot question which you have referred to will appear on the ballot used by voters in Boston, but will not appear on the ballot used by voters in any other city or town. Therefore, any ballot question committee organized to promote or oppose the question must register with the City of Boston Clerk rather than with OCPF.

This opinion has been rendered solely in the context of M.G.L. c. 55. Please do not hesitate to contact this office if you have any additional questions.

Sincerely,



Michael J. Sullivan
Director

MJS/cp
cc: Boston City Clerk